

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JOSEPH P PAUL GUARNERI,

Plaintiff,

v.

9:06-CV-0985

LT. JAMES HAZZARD; CPL J. CRONK; DEPUTY
PAUL MARSH, JR.; DEPUTY GRIPPIN; DEPUTY
HOWLAND; FREDERICK C. LAMY, Commissioner;
FRANCIS T. SULLIVAN, Commissioner; DEPUTY
MACE; JOHN DOE, Deputy; and DR. WEITZ,

Defendants.

APPEARANCES:

OF COUNSEL:

FOR THE PLAINTIFF:

JOSEPH P PAUL GUARNERI
05-B-0213
Elmira Correctional Facility
P.O. Box 500
Elmira, New York 14902
Plaintiff Pro Se

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NORMAN A. MORDUE, CHIEF JUDGE

ORDER

The above matter comes to me following a Report-Recommendation by Magistrate Judge David R. Homer, duly filed on the 6th day of February 2008. Following ten days from the service thereof, the Clerk has sent me the file, including any and all objections filed by the parties herein.

After careful review of all of the papers herein, including the Magistrate Judge's Report-Recommendation, and no objections submitted thereto, it is

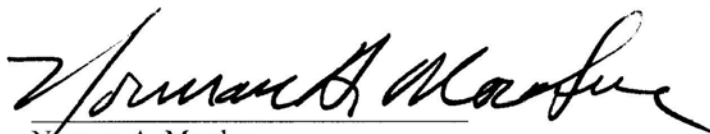
ORDERED, that:

1. The Report-Recommendation is hereby approved.
2. Sullivan's motion to dismiss (Docket No. 43) is granted and that the amended complaint is dismissed in its entirety as to her.
3. Dr. Weitz's motion to dismiss (Docket No. 19) is:
 - a. Granted as to his lack of personal involvement with the confiscation of the knee brace;
 - b. Denied as to his lack of personal involvement in Guarneri's neck, back, and mental health treatments;
 - c. Denied as to Guarneri's back and neck injuries sustained in 2003; and
 - d. Granted as to Guarneri's back and neck injuries sustained in 2000.
4. The amend complaint is dismissed without prejudice as to defendants Lamy and John Doe.

5. The Clerk of the Court shall serve a copy of this Order upon all parties and the Magistrate Judge assigned to this case.

IT IS SO ORDERED.

Dated: February 27, 2008
Syracuse, New York

A handwritten signature in black ink, appearing to read "Norman A. Mordue". The signature is written in a cursive, flowing style with a large initial 'N'.

Norman A. Mordue
Chief United States District Court Judge

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